

Article - Alcoholic Beverages

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§4–905.

(a) On the hearing of a petition under this subtitle, the court shall presume that the action of the local licensing board was proper and best served the public interest.

(b) A petitioner has the burden of proof to show that the decision of the local licensing board being reviewed was:

- (1) against the public interest; and
- (2)
 - (i) not honestly and fairly arrived at;
 - (ii) arbitrary;
 - (iii) procured by fraud;
 - (iv) unsupported by substantial evidence;
 - (v) unreasonable;
 - (vi) beyond the powers of the board; or
 - (vii) illegal.

(c) A review of a decision of a local licensing board under this subtitle shall be heard by the court without a jury.

(d) The court may hear additional testimony to the extent and in the manner that is necessary if, in the opinion of the court:

- (1) it is impracticable to determine the question presented to the court without the hearing of additional evidence;
- (2) a qualified litigant has been deprived of the opportunity to offer evidence; or
- (3) the interests of justice require that further evidence should be taken.

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